

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

46 WRIT PETITION NO. 6365 OF 2018

INDIRABAI ATMARAM LOHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Patil Paresh B.
AGP for Respondents : Mr.P.N.Kutti

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CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JUNE 25, 2018

O R D E R :

1. Mr. Patil, learned counsel for the petitioner submits that the petitioner's husband was removed from service in the year 1983. In case, removal from the service, the husband of the petitioner was entitled for compassionate pension under Rule 101 of Maharashtra Civil Services (Pension) Rules 1982. After his death, the petitioner being widow is entitled for compassionate pension. Enquiry Officer's report clearly specifies the punishment to be imposed for removal from service. Even the Accountant General's

Office has sought clarification in respect of the same. Respondent be directed to pay compassionate family pension to the petitioner.

3. Learned AGP submits that the husband of the petitioner being terminated from service would not be entitled for any such retirement benefits.

4. There is no dispute that disciplinary proceedings were initiated against the husband of the petitioner and in that the Enquiry Officer has recommended punishment for removal from service against the husband of the petitioner. The disciplinary authority terminated the services of the husband of the petitioner. Entry to that effect has been taken in the service book of the husband of the petitioner. The service book clearly records that the husband of the petitioner is terminated from service. The husband of the petitioner died in the year 1995 and till his death the husband of the

petitioner did not make any such grievance. In the year 2015 the present petitioner had made a claim for compassionate pension.

5. In view of the fact that the husband of the petitioner was terminated from service, Rule 101 of the Maharashtra Civil Services (Pension) Rules 1982 would not enure to the benefit to the husband of the petitioner nor the petitioner.

6. Considering the abovesaid aspects that the claim is made after 35 years we are not inclined to entertain the petition.

7. Writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.]

S.V.GANGAPURWALA, J.]

dbm/